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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/161,753	09/29/1998	MICHAEL SUTHERLAND	024607-0022	8007

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EXAMINER

MANTIS MERCADER, ELENI M

ART UNIT

PAPER NUMBER

3737

DATE MAILED: 01/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/161,753

Applicant(s)

SUTHERLAND ET AL. *MT*

Examiner

Eleni Mantis Mercader

Art Unit

3737

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED 11 October 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-5.Claim(s) withdrawn from consideration: 16-43.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

*Marvin M. Lateef*  
Supervisory Patent Examiner  
Group 3700

Continuation of 5. does NOT place the application in condition for allowance because: Regarding claims 16-43, the Applicant's argument is not persuasive because the "additional searching in areas not previously searched" including for example requiring searching in 705/26 constitutes the reason as to why it is a "different field of search". In other words, requiring additional searching constitutes a different field of search. With respect to the arguments regarding claims 1-5, the Examiner disagrees that Teshima does not teach a "stand alone computer workstation" and a "removable recording system" simply because Teshima refers to these two components as an "electronic clinical recording system." As a system the "electronic clinical recording system" includes a number of elements including a workstation (see in col. 7, lines 18-67) and other equipment connected to the workstation such as the storage unit 22 and the removable recording medium 13 which includes a number of recording apparatus including a CD-ROM. Under element 13 of Figure 2 all the recording devices usable are listed. These are not listed in the alternative and as such, the broadest reasonable interpretation of Figure 2 anticipates use of all. The reference in the specification regarding column 7, lines 53-67, is misplaced in that the patient card has to be specific to the type of apparatus used and can be used only with its respective apparatus, but that does not mean that multiple storage apparatus cannot be used with their specific patient cards. In other words, if a CD ROM card is used then a CD ROM storage device has to be used with this card, as opposed to any of the other storage devices. If a floppy disk card is used then a floppy disk apparatus has to be used. However, both a CD ROM and floppy disk storage devices can be part of the storage apparatus, and a patient card can be used with one or the other.